AO 93 (Rev. 11/13) Search and Seizure Warrant

TPW/eb_2017R00484

UNITED STATES DISTRICT COURT

for the

District of Maryland

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

INFORMATION ASSOCIATED WITH TARGET EMAIL-2, FURTHER IDENTIFIED IN ATTACHMENT B-1

Case No. TMD 19-3739

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Western District of Virginia
(identify the person or describe the property to be searched and give its location):

INFORMATION ASSOCIATED WITH TARGET EMAIL-2, FURTHER IDENTIFIED IN ATTACHMENT B-1

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized)*:

SEE ATTACHMENT B-2

YOU ARE COMMANDED to execute this warrant on or before Dec. 2, 2019 *(not to exceed 14 days)*
☐ in the daytime 6:00 a.m. to 10:00 p.m. ☒ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to any available U.S. Magistrate Judge.
(United States Magistrate Judge)

☑ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*
☑ for ____ days *(not to exceed 30)* ☐ until, the facts justifying, the later specific date of 11/18/2020.

Date and time issued: 11/18/19 4:45 PM

Judge's signature

City and state: Greenbelt, Maryland

Thomas M. DiGirolamo, U.S. Magistrate Judge
Printed name and title

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Return

Case No.:	Date and time warrant executed:	Copy of warrant ~~and inventory~~ left with:
~~1~~ MD 19-3739	11/20/19 2:41 PM	Matthew Reed, Esq

~~Inventory made in the presence of:~~ via Mail & Email

Inventory of the property taken and name of any person(s) seized:

Email Archives of target Account 2

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: 6/19/20

Executing officer's signature

Peter Caggiano, Special Agent

Printed name and title

ATTACHMENT B-1

Property to Be Searched

This warrant applies to information associated with kmccallum@ronaldpaulcos.com ("TARGET EMAIL-2") that is stored at premises owned, maintained, controlled, or operated by Smith Consulting, a company headquartered at 1092 Wintergreen Lane, Charlottesville, Virginia 22903.

ATTACHMENT B-2

Particular Things to be Seized

III. Information to be disclosed by Smith Consulting (the "Provider")

To the extent that the information described in Attachment B-1 is within the possession, custody, or control of the Provider, regardless of whether such information is located within or outside of the United States, and including any emails, records, files, logs, or information that has been deleted but is still available to the Provider, or has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Provider is required to disclose the following information to the government for each account or identifier listed in Attachment B-1, **from January 1, 2015, to the present:**

a. The contents of all emails associated with the account, including stored or preserved copies of emails sent to and from the account, draft emails, the source and destination addresses associated with each email, the date and time at which each email was sent, and the size and length of each email;

b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative email addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);

c. The types of service utilized;

d. All records or other information stored by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files; and

e. All records pertaining to communications between the Provider and any person regarding the account, including contacts with support services and records of actions taken.

The Provider is hereby ordered to disclose the above information to the government **within seven days** of issuance of this warrant.

IV. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence, and instrumentalities of violations of 18 U.S.C. §§ 1517, 1005, and 1001 (collectively, "TARGET OFFENSES"), those violations involving the individuals identified in the affidavit, including, for each account or identifier listed on Attachment B-1, information pertaining to the following matters:

(a) All email messages related, but not limited to;

   a. Statements of true ownership and control of trusts

   b. False or misleading statements to federal and state regulators

(b) Any financial statements, account information, or loan information related to EagleBank, RDP, HDT, MakeOffices, or other entities identified in the affidavit

(c) All communications related to EagleBank, Eagle Bancorp, federal regulators, or state regulators

(d) All appointments or calendar entries

(e) All stored addresses and contacts

(f) All notes, tasks, or other user created entries stored within account

(g) Evidence indicating how and when the email account was accessed or used, to determine the geographic and chronological context of account access, use, and events relating to the crime under investigation and to the email account owner;

(h) Evidence indicating the email account owner's state of mind as it relates to the crime under investigation;

(i) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).

This warrant authorizes a review of electronically stored information, communications, other records and information disclosed pursuant to this warrant in order to locate evidence, fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and technical experts. Pursuant to this warrant, the law enforcement agency may deliver a complete copy of the disclosed electronic data to the custody and control of attorneys for the government and their support staff for their independent review.

With respect to the search of the information provided pursuant to this warrant by the above-referenced provider, law enforcement personnel will make reasonable efforts to use methods and procedures that will locate and expose those categories of files, documents, communications, or other electronically-stored information that are identified with particularity in the warrant while minimizing the review of information not within the list of items to be seized as set forth herein, to the extent reasonably practicable.

CERTIFICATE OF AUTHENTICITY OF DOMESTIC RECORDS PURSUANT TO FEDERAL RULES OF EVIDENCE 902(11) AND 902(13)

I, _____, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by Smith Consulting, and my title is _____. I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of Smith Consulting. The attached records consist of _____ **[GENERALLY DESCRIBE RECORDS (pages/CDs/megabytes)]**. I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of Smith Consulting, and they were made by Smith Consulting as a regular practice; and

b. such records were generated by Smith Consulting's electronic process or system that produces an accurate result, to wit:

1. the records were copied from electronic device(s), storage medium(s), or file(s) in the custody of Smith Consulting in a manner to ensure that they are true duplicates of the original records; and

2. the process or system is regularly verified by Smith Consulting, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

Date	Signature